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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1796 (2008), by which the Council, following the request of the Government of Nepal and on the basis of the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN), as set out in resolution 1740 (2007), until 23 July 2008. UNMIN was established as a special political mission with a mandate to monitor the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN(M)) and the Nepal Army, assist in monitoring ceasefire arrangements, provide technical support for the conduct of the election of a Constituent Assembly in a free and fair atmosphere and provide a small team of electoral monitors.

2. This report reviews progress in the peace process and the implementation of the mandate of UNMIN since my report to the Council of 3 January 2008 (S/2008/5).

II. Progress of the peace process

3. The twice-postponed election for a Constituent Assembly in Nepal, the centrepiece of the political transition charted in the twelve-point understanding of 22 November 2005 between the then Seven-Party Alliance and CPN(M) and in the Comprehensive Peace Agreement of 21 November 2006, was held on 10 April 2008 in a generally orderly and peaceful atmosphere. I congratulated the Nepalese on the election and commended their enthusiastic participation in this landmark event. Over 63 per cent of Nepal's 17.6 million eligible voters participated in the polls, with a high turnout of women and young people. The Election Commission repeated the polling at 106 out of the total of 20,886 polling centres.

4. The election was the most observed in Nepal's history: more than 60,000 national and nearly 800 international observers were deployed across the country. In public statements, major international observer groups, including the European Union, the Asian Network for Free Elections, the Carter Center and others, and major national observer groups concurred that the election was conducted in a relatively peaceful manner and that the administration of the polls had been well executed. The successful holding of the election and broad acceptance of the result

is a significant achievement for the peace process and a tribute to the courage and will of the Nepalese people. It also demonstrates the commitment of its political leaders and the professionalism and integrity of the Election Commission.

5. The election had been made possible following the 23-point agreement signed by the parties on 23 December 2007, summarized in my previous report to the Council. The agreement committed the parties to amending the interim Constitution to state that Nepal shall be a federal democratic republic, and that the republic shall be implemented at the first meeting of the Constituent Assembly, until which time the Prime Minister shall conduct all the duties of the Head of State. The mixed electoral system for the Constituent Assembly was to be amended, so as to retain 240 seats elected on a first-past-the-post constituency basis while increasing the number of seats elected on the basis of proportional representation from 240 to 335, and those to be nominated by the Council of Ministers from 17 to 26. The Constituent Assembly will thus have 601 members. On 4 January 2008 the interim Legislature-Parliament adopted the amendments in the electoral legislation. The 23-point agreement became the basis for the return of CPN(M) to the interim Government, allowed for cooperation within the Seven-Party Alliance, and made possible the commitment of the Alliance to holding the election on 10 April 2008.

6. The road to the Constituent Assembly election of 10 April was not an easy one. As explained in my previous reports, the political situation in Nepal had become increasingly complicated, many of the structural causes of conflict manifesting themselves as urgent demands by various communities and groups in the intense political climate that had emerged since the People's Movement of April 2006. Chief among them were the demands of traditionally marginalized groups for adequate representation in determining the future constitution and the structures of the State at all levels. In particular, their desire for a federal system of government and control over their public affairs has been central to the political debate since early 2007.

7. The electoral formula contained in the 23-point agreement was decided by the Seven-Party Alliance without consultation with the Madhesi and Janajati groups, who felt that the agreement did not address their grievances. A number of Madhesi politicians split away from existing parties to form a new party, the Tarai-Madhesi Democratic Party. The party, together with the Madhesi People's Rights Forum (MPRF) and the recently formed Sadbhawana Party, established the United Democratic Madhesi Front (UDMF), an alliance that launched a protest movement in support of a set of demands as a basis for their participation in the election of 10 April. The Government entered into negotiations with these groups in the latter half of February as Madhesi demonstrations and blockades intensified, resulting in nine fatalities and disruption of essential supplies. On 28 February, the Government and UDMF reached an eight-point agreement paving the way for the participation of the Madhesi parties in the April election. A similar agreement was signed on 1 March with the Federal Republican National Front, reflecting Janajati demands. The agreement with UDMF was generally welcomed by Madhesis across the Tarai, but most armed groups that had been operating in the Tarai rejected it and continued protests, including acts of violence, although with limited effect.

8. With these two agreements in place, the attention of the registered political parties turned to election campaigning that intensified through March and early April. Although campaigning was peaceful in many constituencies, credible and

persistent reports of obstruction of the activities of other political parties by Maoist cadres, including the Young Communist League (YCL), were received throughout the period, particularly from hill districts. UNMIN expressed its concern to CPN(M) and urged respect for the code of conduct previously agreed upon by all parties contesting the polls, but intimidation and clashes continued in the hills with varying degrees of intensity. There was also election-related violence in Tarai constituencies, and significant breaches of the code of conduct by other political parties.

9. While Maoist cadres and youth were most widely involved in election-related violence, they suffered the largest number of fatalities in the weeks preceding the election. On 8 April, seven apparently unarmed Maoist cadres were killed and 12 others injured in Dang district, when they were fired upon by police accompanying a Nepali Congress candidate. This was the most serious incident in the run-up to the election, but the Maoist leadership showed restraint by vowing to press ahead with the ballot. Other serious incidents had included the killings of two candidates on separate occasions, and the bombing of a mosque in Biratnagar causing two deaths. There were four deaths, including that of a candidate, on polling day.

10. On election day, personnel of the Maoist army and the Nepal Army who were registered to vote in the proportional representation segment of the election cast their ballots in an orderly fashion at polling centres outside their cantonments and barracks. During the campaign there had been reports that some Maoist army combatants had left the cantonments to participate in activities related to the election. UNMIN conducted head counts at the cantonments and stressed to the leadership of CPN(M) and commanders of the Maoist army the importance of compliance with orders to remain in cantonments.

11. Despite reservations, the major parties have accepted the results. The counting of both the first-past-the-post and the proportional representation segments of the election was completed on 23 April, and the final allocation of seats won by each party was announced by the Election Commission on 25 April. CPN(M) has emerged as the largest party in the Constituent Assembly, winning 120 — exactly half — of the seats in the first-past-the-post race and 100 in the proportional representation portion, followed by the Nepali Congress with 37 first-past-the-post and 73 proportional representation seats, and the Communist Party of Nepal (Unified Marxist-Leninist) (UML) with 33 first-past-the-post and 70 proportional representation seats. MPRF obtained 30 first-past-the-post and 22 proportional representation seats, while the other two UDMF parties between them won 13 first-past-the-post and 16 proportional representation seats.

12. Final official results were announced on 8 May after the political parties had nominated members from their proportional representation lists and the Election Commission had confirmed that their nominations conformed to the quota requirements of the electoral legislation. Twenty-six members remain to be nominated by the Council of Ministers. The 601-member Constituent Assembly will comprise people representing all of the major social groups in the country, with a greatly increased proportion of women and relatively younger members. Thirty women were elected in first-past-the-post races, all but six of them candidates of CPN(M). With the application of the 50 per cent quota in relation to proportional representation seats, women comprise 33 per cent of the elected members. This is a much higher percentage than the global average of 17.8 per cent of women representatives in elected bodies. Candidates representing a wide diversity of

communities were elected from constituencies across the country in the first-past-the-post portion of the election. The constituency results, together with the requirements of the quotas for the proportional representation seats, ensured that the representation of historically marginalized groups — Madhesis, Janajatis, Dalits and religious minorities — is greater than in any elected body in Nepal's history. Although the most disadvantaged groups, Dalits, will remain proportionately underrepresented, the considerable overrepresentation of historically dominant groups has decreased.

13. The first meeting of the Constituent Assembly, which would double as the country's legislature until new elections are held under a future constitution, is required by the interim Constitution to be convened within 21 days after the final results were made public by the Election Commission, which occurred on 8 May.

14. Although the Constituent Assembly election has been conducted, significant challenges remain. First and foremost is the formation of a new government. The interim Constitution provides that the Prime Minister shall be selected and portfolios allocated by political consensus among the seven political parties in alliance in November 2006, or that if consensus cannot be reached the Prime Minister shall be elected by a two-thirds majority. No formal agreement was made among the major parties before the election as to how its results would be reflected in the formation of a new government, but it was understood that the Nepali Congress, UML and CPN(M) would remain in coalition, and that political consensus should extend to other parties on the basis of their electoral performance. CPN(M) has made clear that, as the largest party in the Constituent Assembly, it expects to take the leading role in a new government, which it wishes to be a coalition including the Nepali Congress, UML and MPRF. These parties meanwhile have commenced internal discussions regarding their willingness to join with CPN(M) in a new government, and if so on what conditions.

15. A second challenge is the building of sufficient agreement on how to fulfil the commitment in the interim Constitution that the republic shall be implemented at the first meeting of the Constituent Assembly, and interim arrangements made for the functions of Head of State during the drafting of the new Constitution.

16. A third challenge remains the completion of the peace process. Although the 23-point agreement provided the basis for going forward to the election, many of its commitments and those of the Comprehensive Peace Agreement remain unfulfilled. No progress was made during the election campaign regarding the discharge from the cantonments of minors and others found ineligible by UNMIN verification. As I have emphasized in previous reports, the agreed mechanisms for dealing with the future of the Maoist army and for the democratization of the Nepal Army need to develop the necessary plans, and the Maoist leadership also faces the task of ending the quasi-security role of YCL and taking responsibility for strengthening the rule of law with full respect for human rights.

III. Status of the United Nations Mission in Nepal

17. As at 24 April 2008, a total of 968 of the authorized 1,048 personnel had been recruited to the Mission. Of 795 civilian personnel on board, 233 or 29.30 per cent are female. Among substantive staff, 32 per cent are female, while among administrative staff, 16 per cent are female. There are 13 female arms monitors, a

number subject to the nomination of candidates by Member States. Female national staff account for 27.79 per cent of the total number of staff. The efforts of UNMIN to recruit national staff from traditionally marginalized communities have yielded positive results: 46 per cent of staff (169 out of 367) are from traditionally marginalized groups.

18. I regret to report that the status-of-mission agreement has not yet been signed with the Government of Nepal. Only minor issues remain to be settled by the country's civil aviation authority, which I hope will be resolved in the near future.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

19. UNMIN has continued to monitor the commitments, under the Agreement on Monitoring the Management of Arms and Armies, of the Maoist army and the Nepal Army, including round-the-clock surveillance at all eight weapon storage areas, in the seven Maoist army main cantonment sites and in the designated Nepal Army site in Kathmandu. Inspections included all 28 main and satellite cantonments of the Maoist army and the CPN(M) leadership security detachment in Kathmandu, and around 490 Nepal Army installations. For this purpose the Arms Monitoring Office continued to operate out of five sector commands, co-located with the UNMIN regional offices. Close coordination, under the responsibility of the Heads of regional offices, has proved to be key to several joint operations carried out by arms monitors, UNMIN civil affairs officers, teams from the Office of the United Nations High Commissioner for Human Rights and other UNMIN personnel.

20. During the election campaign, on polling day and immediately after, UNMIN intensified its monitoring of both armies to ensure full compliance with the relevant agreements, requiring their confinement to barracks and cantonments respectively. This operation included the observation of personnel of the two armies casting their votes. The presence on the ground of 42 arms monitoring teams had a general stabilizing effect throughout the area of operations.

21. The Joint Monitoring Coordinating Committee, chaired by the UNMIN Chief Arms Monitor, with senior officers from both armies as Vice-Chairmen, remained an efficient mechanism for the implementation of the agreements and decision-making on operational matters, and an important tool in information-sharing, confidence-building and dispute resolution. Letters of understanding for the handling and demolition of explosive remnants of war have been signed and implemented. Since the beginning of the year, the Committee has held 14 meetings and several bilateral meetings regarding the implementation of its decisions. The Chief Arms Monitor and sector commanders have maintained the necessary close liaison with both armies not only at the general staff level but also at divisional level, and have developed effective relationships at all levels down to that of battalion.

22. The UNMIN arms monitoring teams have continued to conduct village and community visits and engage with the civilian population, cooperating with other United Nations agencies and liaising with international and non-governmental organizations, and assisting the parties in creating a favourable environment for the conduct of the ceasefire through information-sharing and defusing local tensions.

This approach has allowed the active involvement in conflict management at the local level of the 10 joint monitoring teams, each comprising one United Nations monitor, one Nepal Army monitor and one Maoist army monitor, supported by the sector mobile teams.

B. Mine action

23. The Mine Action Unit continued the destruction of category one (unsafe to store) improvised explosive devices and explosive remnants of war at Maoist army cantonment sites, bringing the total number of items destroyed to 12,000, which is approximately 90 per cent of the reported Maoist army improvised explosive devices. A detailed plan for the destruction of the remaining devices was developed and agreed by the Maoist army representative in the Joint Monitoring Coordinating Committee. The last stage of destruction of the improvised explosive devices, which began on 21 April, is expected to be completed by 24 May.

24. The Mine Action Unit also undertook mine-clearance activities with the Nepal Army in fulfilment of their obligations under the Comprehensive Peace Agreement, which requires clearance of all minefields. As at 4 April, clearance of three minefields and surveys of 16 more minefields has been completed. The Nepal Army has so far approved the clearance of 20 of the 53 minefields, 12 of which are to be completed in 2008. The Unit held strategic planning workshops with the Nepal Army to review current operational and training plans to enhance its mine-clearance capacity. A second mine-clearance training course was given to 37 Nepal Army personnel in April, following which the Nepal Army's demining capacity increased to four teams.

25. The presence of improvised explosive devices in the community continued to cause harm. From 1 January to 31 March, 22 casualties were reported, including children and young people. Although the number remains high, there has been a considerable decrease compared with each of the previous three years.

26. Early in March, the Geneva International Centre for Humanitarian Demining conducted two workshops focused on various mine action and legal framework issues that were attended by Government officials from several Ministries, Nepal Army personnel and civil society representatives.

27. The report on the comprehensive assessment conducted late in November 2007 in response to the Government's request for United Nations assistance in mine action was submitted to the Government for its review. If the Government endorses the report's recommendations, the Mine Action Unit could coordinate with the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) to support their implementation.

C. Electoral support

28. Following the Government's decision on 11 January 2008 that the Constituent Assembly election would be held on 10 April, the UNMIN Electoral Assistance Office again increased its staff to meet the requirements of the Election Commission. In Kathmandu the Office comprised 10 advisers assisting the Election Commission at headquarters level to help ensure that electoral operations were on

track and in line with best international practice. Ten regional election advisers were stationed in the five regions to assist both the region and district headquarters. Seventy international United Nations Volunteers were recruited as district election advisers and worked together with national United Nations Volunteers acting as language assistants.

29. The advice provided by UNMIN staff contributed to the technical readiness of the Election Commission. During this period, UNMIN assisted in the development of nomination and selection procedures for political parties to enable them to meet the required legal quotas. With regard to voter education, UNMIN continued to assist the Election Commission in redesigning the messages and the materials in the light of the changes to the Election Act. With regard to training, UNMIN worked with the Election Commission to introduce a participatory methodology for the retraining of returning officers and polling staff. Throughout, UNMIN continued to act as a liaison between the Election Commission and the donor community, advising donors on the urgency of the Election Commission's priorities, and regularly updating them on all election-related issues. UNMIN also provided advice on the establishment of the Media Centre, which served as a platform for the Election Commission, a results centre and a meeting point for national and international journalists. In the area of election logistics, UNMIN assisted in the design of transportation and aviation plans for the delivery of ballots by air to the farthest locations in the country. UNDP assisted the Election Commission in the coordination of international and domestic observers through the Election Observation Resource Centre.

30. UNMIN assisted the Election Commission in creating its regional structure as a conduit between its headquarters and the 75 districts, to which the presence of UNMIN regional staff contributed. Regional election advisers were involved and advised in all areas of electoral assistance, including voter education, training, election operation, warehousing and election logistics. The deployment of district election advisers extended the assistance to all districts, and their presence increased the sense of confidence in district-level electoral staff. Electoral officers stationed in remote and/or troubled districts particularly appreciated the presence and assistance provided by the district election advisers.

31. The Electoral Expert Monitoring Team, which made its fourth visit to the country from 3 to 17 March, considered that electoral preparations were on time and the electoral campaign was proceeding in an orderly manner, despite localized and sometimes violent incidents. The Monitoring Team acknowledged the tight electoral calendar under which the Election Commission was working, as well as the flexibility it had shown to make the process more inclusive. The Team emphasized the important role that political parties had in ensuring that the electoral process, in all its phases, proceeded in a peaceful atmosphere. The Team made its fifth and final visit in April and has submitted its final report.

D. Civil affairs

32. From January to April, UNMIN intensified its monitoring of conflict situations in the regions of Nepal in the context of the ceasefire code of conduct and the Comprehensive Peace Agreement, primarily through its Office of Civil Affairs and in close coordination with OHCHR. It paid special attention to political parties'

adherence to the election code of conduct in the run-up to the Constituent Assembly election.

33. UNMIN monitored the pre-electoral period, including campaign rallies held by the Seven-Party Alliance and by individual political parties, as well as protest rallies held by Madhesi organizations. The initial rallies, held in January, took place despite bandhs (general strikes), use of improvised explosive devices, and other attempts to thwart them. In the run-up to the election, the highest levels of violence were recorded in the central and eastern Tarai, and in key contested hill districts in the Far West, Central and Eastern regions. Twenty-seven deaths were recorded as a result of election-related violence, and UNMIN recorded around 80 explosions of improvised explosive devices, mainly in the Tarai, and nearly 30 abductions. Although all major political parties suffered casualties, CPN(M) and YCL lost the greatest number of party workers. They were, however, also cited as alleged perpetrators in a high proportion of incidents. Other serious allegations included misuse of State power and resources, notably by the Nepali Congress, and the partisanship of the police and security forces.

34. At least five different types of election-related conflict were observed during this period: (a) bandhs, roadblocks and the like that disrupted the normal life in an area, and were enforced by different groups to obstruct the conduct of the election; (b) specific acts of protest, often combined with bandhs, which forcibly prevented the Government administration from functioning; (c) assassinations and abductions of individuals connected with the election, including government officials, election observers, political party members, and key supporters; (d) threats and attacks against candidates to force them to withdraw their candidacy or stop campaigning; (e) inter-party rivalry leading to violence and/or human rights violations.

35. The UNMIN Office of Civil Affairs, often in conjunction with OHCHR, conducted fact-finding missions in response to killings and other major incidents. Throughout the electoral campaign period stakeholders requested the Mission's presence on the ground to help with conflict situations. Concerns over issues of governance continued in the Tarai, such as lack of response from authorities and exclusion from the administrative machinery. The Office of Civil Affairs was able to assist on the basis of its established relations with civil society, political parties, and communities at district and village levels.

36. The Office of Civil Affairs cross-checked incident reports and trend analysis from over 30 districts for the three reports issued by UNMIN, in conjunction with OHCHR, in the immediate pre-election period. On election day, the Office deployed nearly 50 mobile teams in 35 of the 75 districts (where the focus was on the most vulnerable constituencies), coordinated with domestic and international observer organizations, and worked closely with OHCHR and other relevant United Nations agencies to provide the most extensive coverage possible.

37. While polling day was widely recognized to have been generally calm, four deaths were recorded, as well as some other incidents of violence. The immediate post-election environment, including repeated polls, was also largely peaceful, although violent acts by YCL or other Maoist cadres continued to be reported.

E. Gender, social inclusion and child protection

38. The Gender Affairs Section continued to engage with various national partners in activities related to the implementation of Security Council resolution 1325 (2000) in the context of Nepal's political transition and the Constituent Assembly election. It focused on promoting the political participation of women, including those from marginalized groups, and on gender equality as a guiding core principle. UNMIN supported parliamentary discussions concerning the inclusion of women in public life and the adoption of a resolution mandating a 33 per cent threshold for women's participation in all State structures.

39. UNMIN supported the activities of the Peace Support Working Group on the implementation of Security Council resolution 1325 (2000), including a consultation organized by the Ministry of Peace and Reconstruction in March, whose objectives included the development of a national plan of action. Among other things, the plan seeks to ensure women's participation and protection in the post-conflict transition and the protection of women and girls against gender-based violence.

40. During February and March, UNMIN organized a series of meetings with women political leaders, Government officials, parliamentarians and civil society groups from the districts in all five regions, with a particular focus on the Tarai. The meetings highlighted the need for effective women's political participation, as well as concerns over their security during participation in the election. The Gender Affairs Section ensured a coordinated approach to monitoring the participation of women in the election through its teams deployed in the regions and through its relation with other mission components.

41. The determination of Nepali women to participate in the election was demonstrated by their high turnout. Fears that election-related violence or lack of voter education could deter women from voting were not realized. In some instances, female voter turnout was much higher than that of male voters for reasons of migration.

42. The Social Affairs Section undertook field missions to 39 of the 75 districts, holding meetings with community members from historically marginalized groups and organizations representing various communities to encourage their active participation in the election. Focusing on the most marginalized communities in each region, the Social Affairs Officers discussed issues of concern to those communities, in particular their key demand for inclusion in the Constituent Assembly and in the ongoing peace process. In meetings with political parties, UNMIN encouraged the inclusion of candidates from marginalized communities in their selection of representatives to the Constituent Assembly. The Social Affairs Section regularly provided advice to the various mission components at headquarters and in the regions about historically marginalized groups and discrimination issues, and assisted in promoting diversity in the recruitment of national staff. It also continues to work in coordination with the Public Information and Outreach Section to promote inclusivity issues in UNMIN publications and radio broadcasts.

43. The Child Protection Section monitored the participation of minors in political activities, including their presence at rallies of political parties in every region. Children aged 12 and 14 were drawn into sometimes violent demonstrations by their inclusion in the security wings of political parties. In the Tarai, violence resulted in

the death and injury of children. UNMIN held meetings with the youth wings of political parties to discuss young people's participation in politics. On election day, however, many children were involved in visible political party activities, some violent, indicating that the election code of conduct's restriction on parties' use of children was systematically breached.

44. UNMIN and the United Nations Children's Fund (UNICEF) held joint meetings with the Minister for Women, Children and Social Welfare on the need to have a focal point within the Maoist army for discussions on formal discharge and informal release, as well as focal points in CPN(M) and YCL to discuss children's participation in politics and their misuse by political parties. In March, the Chairperson of the Young Communist League agreed to appoint such a focal point.

45. UNMIN sought to promote discussion among the Government, the Maoist army and United Nations agencies willing to assist with the orderly discharge of children from the cantonments and their reintegration. Since CPN(M) has defined conditions for the formal release of children, the absence of an adequate institution to manage their release and reintegration has caused delays. As mentioned in previous reports, more than 8,000 individuals left the cantonments between the first-phase and second-phase registration. There seems to be a policy of informal release of late recruits and minors. Many of these were under 18 years of age at the time of the ceasefire, and about 4,000 are estimated to have joined the UNICEF-led reintegration programme since its launching in June 2006.

F. Political affairs

46. The UNMIN Political Affairs Section continued to monitor and analyse the political situation in the country and assist the Mission leadership in its efforts to support the peace process, focused in particular on maintaining confidence among the political parties and democratic forces. UNMIN is closely monitoring the post-election dynamic within and between parties, as well as the evolving role of traditionally marginalized groups, and their impact on national politics as it relates to the Constituent Assembly.

G. Public information and outreach

47. The UNMIN Public Information and Outreach Section maintained active engagement with both national and international media, delivering 12 press conferences, 18 press releases, five long-format television interviews, five long-format radio interviews, and numerous other short media interventions as well as regular background briefings. I delivered a message to the people of Nepal, two days before the election, broadcast on all major television and radio networks, in Nepali and five regional languages on radio.

48. Public communications was an important element of the UNMIN strategy during the electoral cycle, notably the campaign period, immediately prior to the election, polling day, the period of counting and the response of the political parties to the results.

49. Three reports on the conditions for the election were widely disseminated in Nepali and English, and UNMIN engaged intensively with the media as well as

making use of the Mission's own public information tools. My Special Representative conveyed pre-election messages from UNMIN to district and national media in a series of regional press conferences during visits to all regions just prior to the election, culminating in a press conference in Kathmandu two days before the election which was well attended by international and national media.

50. In addition to numerous briefings and interviews, UNMIN provided video and photographic materials to the media, including coverage of the Mission's mandated activities. In the lead-up to the election, the Mission's website was extensively upgraded and maintained to serve as a reliable reference point, especially for international media. The Mission's radio programmes and public service announcements reached the broad public, especially in rural areas, and printed materials targeted the political class in the regions and districts.

51. The Translation and Interpretation Unit continued to work closely with the Public Information and Outreach Section to deliver accurate and timely translations of Nepali and English language materials for internal use and for external dissemination. In addition to translating the election manifestos of major political parties, UNMIN translators assisted the Constitution Advisory Support Unit of UNDP with the final pre-publication editing of an English translation of the Interim Constitution of Nepal, 2063 (2007).

52. Since my last report, staff in the Translation and Interpretation Unit have designed and delivered a training programme for language assistants working across the Mission with its different components. The Unit has created a lexicon of over 3,000 entries and a custom-built Nepali-English machine-assisted translation tool.

H. Safety and security

53. The Safety and Security Section provided support to the UNMIN Electoral Assistance Office in the deployment of the district electoral advisers to all 75 districts. The Section prepared an overall Mission election security plan which was implemented prior to and during the election. Only two minor incidents — one of harassment and one of restriction of movement — were directed at UNMIN personnel on the day of the election.

54. The security situation has remained generally calm across the country. There has been no direct threat against the United Nations. Coordination and cooperation between the UNMIN Safety and Security Section and the Nepal Office of the Department of Safety and Security in Nepal remain strong and focused on ensuring that staff members remain vigilant and comply with existing United Nations security and movement procedures. The Section, together with staff of the Department of Safety and Security, provided emergency response services during the UNMIN helicopter accident in March.

V. Mission support

55. The Mission suffered the tragic loss of seven staff members and three air crew members in an UNMIN helicopter crash on 3 March. The tasks to be carried out in the aftermath of the accident, namely the recovery, identification and repatriation of the remains, the support extended to the families of the Nepalese victims,

coordination with the delegations of the four troop-contributing countries, the launching of internal and external investigations, including the official inquiry initiated by the Government of Nepal with United Nations participation, as well as the response to the emotional impact of the tragedy on UNMIN personnel, affected the Mission's operations. I again convey my condolences to the families of those who lost their lives, and would like to thank the Government of the Republic of Korea for offering without cost its expertise in carrying out DNA testing so as to expeditiously identify the remains of the deceased and allow early repatriation to their home countries and families.

56. The loss of one out of four Mission helicopters came at a critical time in the UNMIN mandate, just over one month before the Constituent Assembly election and when the Mission was supporting the deployment of the district electoral teams to 75 districts, a number of which are accessible only by air. These difficulties were compounded by the need to replace the crew of two other helicopters who expressed the wish to be repatriated after the tragedy. Despite these problems, UNMIN support sections successfully assisted in the deployment of 70 electoral teams within the planned time frame.

57. After the fuel supply in the country, most notably in the Kathmandu valley, was cut off for about 10 days in February by a series of strikes which halted the transportation of imported fuel from India, UNMIN put in place fuel reserves at Mission headquarters, all regional offices and all cantonment sites, sufficient to sustain normal operations for at least 30 days. During the latter part of the reporting period the five regional UNMIN offices and the Kathmandu headquarters were provided with stockpiles of emergency water, rations, fuel and personal protection supplies.

VI. Human rights

58. Election day itself was largely peaceful, despite the tensions prevailing on its eve. Episodes of violence were reported, however OHCHR observed intimidation of voters and irregularities that violated voters' rights to freedom of expression and opinion. In several cases, election and police officials also appeared to be intimidated, and did not intervene or report violations. The United Nations High Commissioner for Human Rights congratulated the people of Nepal on the election, which is likely to have a positive long-term impact on the human rights of its citizens.

59. Although the electoral campaign was carried out peacefully in many districts, there were numerous incidents of intimidation and intolerance during the pre-election period. Lack of respect for individuals' right to freedom of expression and opinion was manifest in violence between supporters of competing parties. While most parties were responsible for violent acts, incidents involving CPN(M), including beatings, abductions and threats, were particularly prevalent. On the other hand, 12 Maoist cadres were killed in March, nine of them died as a result of police fire, bringing to 15 the number of Maoists killed in 2008.

60. The two-day cooling-off period preceding polling day was marred by several serious incidents. OHCHR and the National Human Rights Commission urged the Government to establish an independent investigation into the incident on 8 April in Dang district in which police officers providing security for a Nepali Congress

candidate allegedly shot dead seven apparently unarmed CPN(M) cadres and injured 12 others.

61. OHCHR raised concerns about actions taken by the police during the Tarai protests of 13 to 29 February, which were linked with the general strike in the area to support demands for Madhesi representation in all organs of the State. While noting that the Government was making efforts to improve public security, OHCHR underlined the excessive use of force by the police resulting in six civilians and a police officer being killed in confrontations between police and supporters of Madhesi political parties. OHCHR found that lack of accountability for police actions, weak legislation giving the police wide powers to use lethal force and the perception that the police was not impartial combined to encourage violence and human rights violations. OHCHR had recommended reforms of the institutions responsible and the introduction of mechanisms to ensure internal accountability and democratic oversight. Police operations needed to be conducted in line with international human rights standards — a requirement to address impunity and re-establish public confidence in the rule of law.

62. Although the Government announced plans to set up a commission of inquiry on disappearances and to criminalize enforced disappearance, no draft legislation on either issue has been made public or was submitted to the interim Legislature-Parliament. In the absence of a publicly available bill, OHCHR has provided technical advice to members of parliament and civil society on the issues of criminalization of enforced disappearance and the establishment of a commission based on international precedents.

63. The Ministry of Peace and Reconstruction continued to work towards the establishment of a Truth and Reconciliation Commission. While a revised bill included some positive changes, OHCHR continued to stress that, for the Commission to be seen as legitimate and effective, a comprehensive and inclusive consultation process was needed. OHCHR advised the Ministry that additional changes to the bill would be required to ensure compliance with international human rights standards and best practices.

64. On 31 January, a Government prosecutor filed a charge sheet in a civilian district court accusing four Nepal Army officers of the murder of Maina Sunuwar, a 15-year-old girl who was tortured and killed in the custody of the Nepal Army in 2004. The officers have thus far failed to respond to the summons to appear in court, and no attempt has been made to arrest them. OHCHR has urged the Nepal Army to cooperate fully with the civilian prosecution by providing access to documents, suspects and witnesses.

65. International experts provided assistance to the National Human Rights Commission to investigate the site where it was believed that the body of one of the persons who disappeared following detention by the Nepal Army in 2003 may have been cremated. Samples taken from the site were sent to Finland for further tests.

66. The position of Secretary to the National Human Rights Commission, vacant for five years, was filled in February 2008. The Commission is currently undergoing an important restructuring process in order to align its activities with its constitutional mandate enshrined in the Interim Constitution of Nepal. A new technical cooperation project is envisaged to further assist the Commission in delivering its human rights mandate. OHCHR will work in partnership with the

Commission and UNDP in the new project to provide specialist advice especially in the areas set out in the Commission's strategic plan.

VII. United Nations country team coordination

67. UNMIN and the United Nations country team have worked closely together on peace support, humanitarian response and development assistance. This has included aligning strategic planning processes, such as the humanitarian appeal 2008 and the United Nations Development Assistance Framework 2008-2010, to support and consolidate the peace process. Overall, the United Nations country team implemented programmes totalling close to $150 million in 2007 (up from $105 million in 2006) and has presented plans in the order of $180 million for 2008.

68. Most recently, at the donor consultation meeting held in February, the Government underlined the need for comprehensive donor support to the peace process, encompassing, in particular, the management of cantonments, the return to civilian life of men, women and children associated with armed forces, the restoration of public security, and assistance to internally displaced persons and other victims of the conflict. Prior to that meeting, the Government presented its three-year reconstruction-and-development plan. Once the new Government has been formed, the United Nations and the donor community can work with the Government on defining a transitional peace-and-development framework, with a view to a Nepal development forum later in 2008. The four priority areas of the transitional United Nations Development Assistance Framework 2008-2010 (consolidating peace, improving basic services, providing better livelihood opportunities, and promoting and protecting human rights, gender and social inclusion) closely follow the Government's priorities as articulated in the three-year interim plan.

69. Together with UNMIN, United Nations country team agencies will continue to work with the Government to define reintegration packages for those to be discharged from cantonments as soon as possible, including the particularly vulnerable, children, women and late recruits. The United Nations will continue to provide support to the Election Commission. In the lead-up to the election, UNDP supported the Election Commission's resource centre for national and international observers. As follow-up to Security Council resolution 1325 (2000), efforts are under way, led by the United Nations Fund for Population Activities and the Ministry of Peace and Reconstruction, to draw up a national plan of action, including activities to ensure women's participation and protection in the post-conflict transition and the protection of women and girls against gender-based violence. In the build-up to the election, UNICEF worked to persuade political parties to include commitments for children in their manifestos and to agree not to engage children in political events; this was underlined by a public service campaign conducted by Government broadcasts countrywide on television and radio. In addition to non-formal civic education provided before the election, the World Food Programme's food-for-work activities continue to build critical infrastructure and to create community assets that facilitate reintegration in food-insecure, conflict-affected communities. Particular attention is being paid to monitoring and responding to the potentially destabilizing impact of rising food prices in the world market. The analysis of information on conflict-affected districts continues to aid development planning and coordination.

70. With the Government and lead donors, the United Nations is participating in a review of how to improve the utilization and management of the Nepal Peace Trust Fund and its complement, the United Nations Peace Fund for Nepal, which operate under a common governance arrangement led by the Government, my Special Representative and the Resident Coordinator. The Nepal Peace Trust Fund has attracted $27.5 million in commitments from donors, who have also contributed $9.5 million to the United Nations Peace Fund. Efforts continue to strengthen the secretariat, build a more inclusive steering structure, and establish clearer priorities.

VIII. Observations

71. Nepal's success in holding the Constituent Assembly election under considerably better conditions than most observers had expected is nothing short of a historic achievement. The desire and commitment of the people of Nepal for peace and change was the driving force behind this success. In addition, the cooperation of the political parties despite the many problems and clashes, as well as the commitment and competence of the Election Commission, all contributed to the success of the ballot.

72. The election is only a milestone in the peace process, however. The real work of addressing the nation's deeper socio-economic difficulties and drafting a constitution that reflects the will of the entire nation only begins now. The immediate tasks of government formation and preparatory work for drafting the constitution are of the utmost importance.

73. The extent of the Maoists' electoral success came as a surprise to many. I am encouraged by the commitment to consensual politics and cooperation that the Maoist leadership and party have continued to project since the election. It is vital for other political parties to maintain the focus on the long-term interest of the peace process and the nation, rather than on any immediate political set-back or partisan interests.

74. Therefore, the unity of the main political parties and their ability to work together, as agreed before the election, should continue, and should be extended to other parties. Short-term differences should not distract them from governing by consensus and from cooperating in the vital task of constitution-making. The newly elected members of the Constituent Assembly and their parties face an immense challenge in managing the first key decisions to be made by the Assembly and in determining how to organize the work of the Assembly in an efficient and coherent manner.

75. Before the election, the political parties had reached an understanding to postpone implementation of the provisions of the Comprehensive Peace Agreement regarding the future of the Maoist army personnel and the action plan for democratization of the Nepal Army. These issues now need to be addressed without delay. As I have said in previous reports, a prolonged restriction of armed and trained persons without a long-term solution is not a sustainable situation. Moreover, if the monitoring of arms and armies for which UNMIN has been responsible is to be successfully completed, the current temporary arrangements should transition smoothly into a durable and permanent solution.

76. Now that their tasks have been successfully completed, the UNMIN electoral staff have been progressively withdrawn from the districts and regions, and are departing from the Mission. The number of arms monitors is progressively being reduced as those who are rotating out towards the end of the mandate are not being replaced, and the Arms Monitoring Office will be restructured accordingly. Vacancies are not being filled, and all substantive staff contracts will terminate by 23 July, leaving only administrative personnel that would be gradually phased out from August to December 2008.

77. I do not anticipate a further extension of the mandate of UNMIN, but the United Nations stands ready to provide continuing support for the completion and consolidation of the peace process and for the long-term development of Nepal. My Special Representative and the Resident Coordinator will be in discussion with the new government once it is formed regarding whatever assistance it may request. These are critical times for long-term stability in Nepal, and the United Nations will remain by the side of the people and leaders of Nepal in the historic tasks of political and social transformation on which they have embarked.

78. In conclusion, I would like to convey my sincere appreciation to the Security Council and other Member States for their continued support to Nepal. I would also like to express my gratitude for the dedicated efforts of my Special Representative and his staff and their partner organizations in Nepal.